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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of

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Federal-State Joint Board on  
Universal Service

CC Docket No. 96-45

COMMENTS OF U. S. DISTANCE LEARNING ASSOCIATION

U. S. DISTANCE LEARNING ASSOCIATION

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## SUMMARY

These comments represent the interests of U. S. Distance Learning Association's over 2,000 members whose interests are in the delivery of electronically-transmitted instructional programming. USDLA offers the following comments to assist the Commission specifically in the implementation of section 254(h) of the Act. The focus is primarily on the distribution of advanced telecommunications services to schools and libraries.

USDLA recommends a four-phased approach for the implementation of services between now and the year 2000 which are intended to meet the immediate telecommunication needs of schools and libraries, followed by short-term needs and extending to services for the year 2000. The Association proposes that one voice-grade telephone line be provided to each qualifying school, library and non-profit health care facility at no cost. Advanced telecommunications services should be provided to qualifying educational users at a substantial discount rate calculated from the lowest available competitive rate negotiated in the state or region. Disadvantaged schools and libraries in disadvantaged communities should be selected for subsidized advanced services on the basis of census figures reflecting community income levels.

USDLA proposes that, in implementing section 254 of the Act, the Commission treat vocational-technical training facilities at secondary school and community college levels as qualifying institutions within the meaning and purpose of the Act. In addition, it supports and encourages the inclusion of distance-learning consortia as

qualifying institutions. USDLA proposes that bona fide requests for access to advanced telecommunications services be made by superintendent-level officials at the local school district level.

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COMMENTS OF U. S. DISTANCE LEARNING ASSOCIATION

The United States Distance Learning Association ("USDLA"), by its undersigned counsel, hereby submits the following comments in response to the Notice of Proposed Rulemaking ("NPRM")<sup>1</sup> in the above referenced docket proceeding to implement the universal service directives of section 101(a) of the Telecommunications Act of 1996 (the "1996 Act"), which adds a new section 254, entitled Universal Service, to the Communications Act (the "Act").<sup>2</sup>

USDLA is a 501(c)(3) nonprofit organization of over 2,000 institutional, corporate and individual members with chapters in nine states and 12 more chapters in the process of formation. Our member organizations deliver electronically transmitted instructions to hundreds of thousands of students in K through 12, higher education, continuing education, corporate and military training programs. Because of this extensive experience and broad base of membership,

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<sup>1</sup> Federal-State Joint Board on Universal Service, Notice of Proposed Rulemaking and Order Establishing Joint Board, FCC 96-93, adopted and released March 8, 1996 and amended by Order released April 1, 1996, DA-96-483 (hereinafter, "NPRM").

<sup>2</sup> 47 U.S.C. §254.

USDLA feels a special interest and responsibility to provide information and commentary on issues involving distance learning and the use of telecommunications to deliver education and training.

USDLA applauds the wisdom of the U.S. Congress in adopting an amended and expanded universal service concept and, in particular, specifically addressing the needs of elementary and secondary schools, libraries and health care providers among its seven universal service principles, section 254(b)(6) of the Act. As the Commission has noted, section 254 of the Act effectively authorizes the Commission to designate a “separate definition of universal service applicable only to public institutional telecommunications users.”<sup>3</sup> USDLA is pleased to offer the following comments to assist the Commission in the implementation of section 254(h) of the Act, calling for access to advanced telecommunications services for schools, libraries and health care facilities.

Statistical and factual information demonstrative of the needs of public schools and libraries which the Snowe-Rockefeller-Exon-Kerry Amendment to the 1996 Act is designed to address is set forth in the joint filing of a consortium of educational and related organizations, in which USDLA has also joined, which was filed with the Commission on April 10 (“Joint Comment”).<sup>4</sup> USDLA hereby incorporates by reference pages 1-10 of the Joint Comment as

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<sup>3</sup> NPRM at para 11.

<sup>4</sup> The joint commenters in the Joint Comment consist of: National School Boards Association, American Library Association, National Education Association, Consortium for School Networking, Counsel of Chief State School Officers, Education Legislative Services, Inc., National Association of Independent Schools, National Association of Secondary School Principles, American Federation of Teachers, AFL-CIO, Association for the Advancement of Computing in Education, National Association of Elementary

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factual background evidencing the justification of the 1996 Act's special provisions in support of schools, libraries and health care facilities.

The comments which follow focus on the terms for ameliorating access to advanced telecommunications facilities and services addressed in Parts IV and V of the NPRM.<sup>5</sup> They are organized into four categories:

- I. Services To Be Provided
- II. Terms Under Which Services Should Be Provided
- III. Eligibility of Recipient Organizations
- IV. Related Issues

## I. SERVICES TO BE PROVIDED

USDLA endorses the Clinton Administration's objective, as stated in the 1996 State of the Union address, to provide interconnection with the Internet and the information highway for all classrooms in the United States. USDLA agrees that technological literacy is

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School Principles, American Association of School Administrators, American Psychological Association, Association for Supervision and Curriculum Development, Council for American Private Education, Council for Educational Testing Service, Global Village Schools Institute, National Association of State Boards of Education, National Parents and Teachers Association, National Rural Education Association, National Coalition for Science and Technology Education and USDLA.

<sup>5</sup> NPRM at para. 9. USDLA does not comment at this time on methods for assessing contributions to universal service support mechanisms as addressed in section 254(d), or in the determination of "eligible telecommunications carriers" pursuant to section 214(e)(1) of the Act. Unless otherwise indicated, all statutory references herein are to provisions of the Act.

essential for the nation's global competitiveness, and supports full utilization of available technologies and services as research and teaching tools.

The Act regards universal service as an “evolving” concept.<sup>6</sup> In support of this concept, the Commission in its NPRM makes it clear that the definition of services which it determines will be regarded as universal services must be continuously reviewed.<sup>7</sup> In full agreement with a flexible, evolutionary approach to defining universal service, USDLA proposes four sequential phases between now and the end of the century as its initial universal service plan for public schools and libraries.

In addition to the series of services described below, USDLA recognizes the need for beneficiary institutions to be equipped during the time period addressed with internal switching systems to enable them to take full advantage of the telecommunications services addressed herein. A switching device will allow users with minimal technical expertise to convert from a terrestrial to a satellite delivery system or from a standard to a high-speed conduit with the turn of a dial.

A. Access to Advanced Services

USDLA recommends that, between now and the year 2000, all eligible schools and libraries follow a rapid evolution from immediate-need services to more advanced forms of

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<sup>6</sup> Section 254(c)(1) defines universal service as “an evolving level of telecommunications services that the Commission shall establish periodically under this section, taking into account advances in telecommunications and information technologies and services.”

<sup>7</sup> NPRM at para. 66.



telecommunications services, as described in the four phased approach below. In this manner, qualified educational institutions and libraries will not face overwhelming economic burdens, educators will have time to develop skills and strategies for introducing students to new telecommunications technologies, and regulators and private industry will be able to implement these specialized universal service goals with minimal disruption. USDLA believes that the following sequential phases of telecommunications technology comprise services which are included in the Commission's anticipated universal service program as it pertains to schools and libraries. USDLA submits that the first two phases qualify for universal service treatment as "essential to education,"<sup>8</sup> and the second two phases describe "additional services" which USDLA believes should also be supported by universal service support mechanisms in keeping with Congress' intention to modernize educational processes by making telecommunications technologies accessible and affordable for eligible schools and libraries.<sup>9</sup>

As a general matter, in proposing this staged approach to advanced telecommunications services for schools and libraries, USDLA also urges the Commission to continue to protect and support ITFS service as an important form of telecommunications resources available to the educational community.<sup>10</sup>

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<sup>8</sup> Section 254(c)(1)(A).

<sup>9</sup> Section 254(c)(3).

<sup>10</sup> *See, Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, Report and Order*, 10 FCC Rcd 9589 (1995); *Amendment of Parts 21, 43, 74, 78, and 94 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave Service, Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional*  
Continued on following page

1. Phase One -- Immediate Needs

USDLA has learned, through contact with its constituents, and as described in the Joint Comment,<sup>11</sup> that there is presently a severe deficiency of voice-grade line access in classrooms and libraries. A voice-grade form of access is considered by USDLA, as well as by the Commission,<sup>12</sup> to be the most basic of necessities for the provision of basic on-line educational and informational services, such as access to the Internet,<sup>13</sup> which technologies possess demonstrated importance for technical literacy and the development of job skills necessary in a technologically advanced society.<sup>14</sup> USDLA notes that these skills cannot be provided through traditional educational tools.<sup>15</sup>

Voice-grade lines, while a basic form of telecommunications interface, are capable of providing schools and libraries access to on-line informational services, including Internet

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*Television Fixed Service, and Cable Television Relay Service, Second Report and Order*, 6 FCC Rcd 6792 (1991); and *Amendment of Parts 21, 43, 74, 78, and 94 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave Service, Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional Television Fixed Service, and Cable Television Relay Service, Report and Order*, 5 FCC Rcd 6410 (1990).

<sup>11</sup> Joint Comment at 6-8.

<sup>12</sup> NPRM at paras. 18-20.

<sup>13</sup> The Commission has specifically asked for comment on the need for accessibility to Internet services, NPRM at para. 23.

<sup>14</sup> NPRM at para. 72.

<sup>15</sup> Joint Comment at 7.

services, as well as a means of delivery for distance educators. USDLA finds that students in schools which lack this basic form of access tend to be lacking in computer literacy skills, are less able to compete in academic studies essential to the modern workplace, and derive no benefit from the many free educational services that are provided through voice grade lines. Presently, only 15 percent of classrooms in the United States have access to telephones. Only nine percent are currently connected to the Internet.<sup>16</sup> USDLA suggests that the Commission regard access to voice grade telephone lines as warranting the same level of importance as school lunch programs and extracurricular sports, some of which are traditionally provided to students at no cost and others of which are provided at cost.

USDLA therefore recommends that the initial phase of advanced universal service integration for schools and libraries include voice-grade access provided to the extent that at least one classroom in every eligible school and at least one work station in every eligible library has mandatory access to a voice-grade line for non-administrative, curricular purposes. USDLA acknowledges that while its goal is for every classroom to be equipped with a mandatory voice-grade line, this objective is not easily achieved given the financial and technical constraints of the educational environment in the United States today.

USDLA further recommends as an immediate service need access to satellite-delivered educational programming for eligible schools and libraries, including access to at least one satellite receive-only antenna with complementary internal circuitry to provide a means of access to satellite-delivered programming. Satellites are increasingly being used to deliver

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<sup>16</sup> NPRM at para. 79.

educational services to remote locations. This form of delivery has today advanced to such a state that many of USDLA's constituents in the distance learning community consider it to be an essential complement to a balanced distance learning program, as there is currently a multitude of distance-learning program offerings that are now being delivered via satellite for public consumption.

The majority of schools and libraries today do not have satellite reception equipment. USDLA believes that this disparity reflects primarily a lack of funding to commit to such capital investments.

The volume and depth of satellite-delivered programming for educational and informational purposes is continually increasing. In particular, USDLA notes the achievements of the Missouri School Board Association's Educational Satellite Network ("ESN") in facilitating schools to access satellite-delivered educational programming. ESN is doing this by providing an Education SATLINK service which is sponsored, in part, by a funding grant from the U.S. Department of Education. ESN produces a monthly magazine, also called Education SATLINK, in which it provides a satellite program guide which reflects daily program offerings that can either be viewed at the time of airing or that can be taped for replay within ESN's stated copyright restrictions. The program guide in current issue of the magazine extends for 39 pages and lists programming from 15 different curriculum categories, as well as instruction for educational staff, including administrators counselors and teachers, and a miscellaneous

category,<sup>17</sup> that can be accessed using satellite reception equipment. A detailed description of each program offering is given in the program guide, a sample of which is reproduced as Exhibit A hereto.

## 2. Phase Two -- Short-Term Needs

USDLA considers digital capabilities to be a short-term need of schools and libraries. Digital services, and ISDN lines in particular, are important for the efficient transmission of data signals. Practical applications include faster and more enhanced access to the Internet and the Worldwide Web than can be provided by a basic voice-grade line.<sup>18</sup>

USDLA is familiar with the activities of one telecommunications service provider, Pacific Bell, which is voluntarily demonstrating public responsibility through its "Education First" program. Under this program, Pacific Bell is providing all public schools in California with 384 kbps data services without charge for a one-year introductory period. This is a model partnership for the benefit of qualified educational facilities which USDLA suggests should be emulated.

USDLA also observes that digital satellite terminals with an integrated receiver and decoder unit also provide an effective means of delivering data signals used in distance learning demonstrations.

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<sup>17</sup> Programming from the following curriculum categories is provided over the Education SATLINK network: Agriculture, Art, Business, Community, Computer Science, Foreign Language, Home Economics, Language Arts, Mathematics, Music, Nature, Physical Education and Health, Science, Social Studies, and Trades and Industry.

<sup>18</sup> See NPRM at para. 72 regarding the Commission's support for Worldwide Web services.

### 3. Phase Three -- Two-Year Time Period

Within two years of deployment of phases one and two above, USDLA recommends wide-scale introduction of high-speed, T1-related services for significantly more capacity, which requires the installation of 1.544 mbps hard lines, for schools, libraries and health care facilities. USDLA considers access to T1 lines to be an important means of equipping these institutions to comply with contemporary educational standards as they provide for broadband data communications, enabling high quality video.

USDLA offers as an example of a successful cooperative private and public discount program the Georgia Statewide Academic and Medical Systems ("GSAMS"). GSAMS provides a 50 percent discount for extended maintenance and peripheral equipment during the first two years for access by Georgia public schools, government offices and medical facilities to T1 line services. The State of Georgia was able to negotiate this discount rate because of the volume incentive they offered to the telecommunications service providers by bundling the telecommunications needs of all state public institutions and government offices onto a Georgia State Telephone Network which GSAMS serves.

GSAMS is a product of the Georgia Distance Learning and Telemedicine Act of 1992. It is administered by the Telecommunications Division of the Georgia Department of Administrative Services in partnership with Southern Bell, the 33 Georgia Independent Telephone Companies and other private industries. The GSAMS program received a number of awards in 1995 alone for national recognition of its efficacy in reducing economic and technological barriers of entry for schools and other public institutions in Georgia for state-of-the-art, two-way, interactive television over high-speed telephone lines. Among the applications which GSAMS in

its partnership with private business has facilitated include creation of a virtual educational and medical community across Georgia.

Again, USDLA cites the GSAMS program as a model program to make advanced telecommunications capabilities available to designated public service institutions. It is submitted that this program warrants consideration as a means of implementing the Federal universal service objectives in section 254(h) in other states and regions.

4. Phase Four -- Goals for 2000

USDLA recommends, in fulfillment of the objectives of section 254(h), establishment of a national goal of introducing by the year 2000 broadband digital communications services to eligible schools, libraries and health care facilities. This capacity, made available by installation of either cable or fiber optic lines, will support multiple digital video platforms delivered over very high-speed, 45 mbps, lines. This phase, with its even broader bandwidth characteristics than T1 lines, will enable and enhance delivery of interactive, real-time video services of a nature employed in the more sophisticated distance learning services and capable of supporting multiple digital channels. USDLA submits that, in five years' time, this form of telecommunications capacity will be commonplace in the business environment, rendering obsolete applications achieved through more limited forms of telecommunications capacity. Given the objective of the Act to provide for the delivery of advanced telecommunications services to educational facilities, USDLA submits that support of broadband digital communications systems within the stated time frame would appropriately serve public interest and necessity standards.

It is noted in this regard that ITFS resources, which USDLA has addressed above, are capable of supporting such interactive, broadband facilities for the educational community.

B. Maintenance and Training Services

In the NPRM, the Commission asks for comments relating to the implementation of support mechanisms to enable schools and libraries to receive advanced telecommunications services.<sup>19</sup> USDLA wishes to bring to the Commission's attention the need for personnel training and for continuous facilities maintenance to enable the most effective use of both core and advanced telecommunications services.

USDLA has observed circumstances under which publicly funded advanced telecommunications programs have failed to deliver meaningful services because of a lack of training and an absence of ongoing maintenance of subsidized facilities. One example of this is seen in the educational satellite program of the American Indian Tribal Colleges. With the use of a federal grant, the Colleges purchased satellite reception equipment for access to satellite-delivered educational programming. However, after the equipment was installed, the Colleges had insufficient funds to access programming on an ongoing basis and even lacked expertise to operate effectively the equipment. As a result, the satellite equipment fell into disrepair. USDLA offers this example to illustrate for the Commission the importance of including in the Federal universal service program for schools, libraries and health care facilities support for training and maintenance requirements.

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<sup>19</sup> NPRM at para. 71.



## II. TERMS UNDER WHICH SERVICES SHOULD BE PROVIDED

The Commission has already determined that the Act entitles schools and libraries to receive discounts on all services which qualify as advanced universal services.<sup>20</sup> In the comments which follow, USDLA offers two discount models for interstate universal service rate determination,<sup>21</sup> one to be applied only to mandatory, one-classroom per school, voice-grade services and the other to the additional advanced services USDLA has identified.

### A. Voice-Grade Services

USDLA believes that, given the essential nature of voice-grade services in schools and libraries, the Commission should require telecommunications service providers to both install and deliver free of charge at least one voice-grade, curricular-purpose line to each such eligible institution. Providing essential voice-grade line services at no cost to the user is not outside the realm of a “discount” contemplated by Congress. The provision of telecommunications services to schools without charge is not a new concept. Currently, cable television operators voluntarily provide basic cable television access to public schools in most jurisdictions. Telecommunications service providers should follow in this lead pursuant to Commission direction to make universal service a truly comprehensive program.

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<sup>20</sup> NPRM at para. 82.

<sup>21</sup> There is no issue that the Commission has jurisdiction to establish discounts on interstate services, while it is the responsibility of the states to determine discounts for purely intrastate services. NPRM at para. 82.

Affected telecommunication service providers should view this contribution as establishing the minimum channel by which advanced telecommunications services will be procured. In this regard, telecommunications carriers will effectively be creating new demand for their service offerings.

USDLA takes no position as to whether the Commission should require telecommunications service providers either to contribute to a universal service support fund or simply to require them to provide voice-grade services free of charge directly to users.

B. Additional Advanced Services

In the NPRM,<sup>22</sup> the Commission suggests possible methodologies to formulation of a universal service discount plan for schools and libraries. To the extent possible, USDLA supports a regulatory framework within which the providers of telecommunications services and educational telecommunications users are encouraged to utilize market mechanisms to arrive at mutually acceptable discounted rates. In this way, the telecommunications industry will act in partnership with beneficiary schools, libraries and health care facilities and universal service support funds will be preserved. Thus, the GSAMS model discussed above is a paradigm at the state level worthy of emulation.

USDLA's preferred methodology for calculating an "affordable" rate meeting the requirements of section 254(h)(1)(B) of the Act would be based on incremental costs of providing

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<sup>22</sup> NPRM at para. 82, 83.

services to beneficiary institutions.<sup>23</sup> Because of the difficulty in determining the true cost basis of carriers, however, USDLA believes that “specific, predictable and sufficient” support mechanisms<sup>24</sup> will require calculating a discount from the lowest, competitive rate secured by the beneficiary institutions, presumably at a state-wide or even regional level. Utilizing this approach, USDLA believes that “affordable access” would be made available if, at least during the first several years of testing this system, the following discount rates are established as a target:

1. 45 percent discount on the lowest competitive interstate and intrastate telephone rates.
2. 50 percent discount on fair and reasonable charges for installation of all hardware necessary to access the telecommunications service and related technical services.
3. 50 percent discount on fair and reasonable charges for ongoing maintenance of the installed hardware and necessary and essential system upgrades.

### C. Relief for Disadvantaged Schools

The Act mandates that any discount methodology established by the Commission be not only specific and predictable, but also “sufficient.”<sup>25</sup> Moreover, the first universal service

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<sup>23</sup> USDLA recognizes the Commission’s interest in examining an incremental cost discount model. NPRM at para. 83.

<sup>24</sup> Section 254(b)(5).

<sup>25</sup> Section 254(b)(5).

principle articulated in the Act includes a statement that services provided in a universal service context should be available at “affordable rates.”<sup>26</sup>

USDLA believes that a model supported by either public subsidies or full cost contribution by private industry, such as USDLA recommends for minimal voice-grade services, will fulfill the Act’s criteria of “specific” and “predictable,” as well as “sufficient,” in terms of the discount provided, with regard to disadvantaged schools and disadvantaged communities in which libraries are located. For purposes of this discussion, USDLA submits that disadvantaged schools and libraries should be defined as those which are situated in communities which, according to U.S. census income data, are in the lowest 20 percentile in terms of income. Schools and communities fitting these criteria are not capable of drawing upon additional resources necessary to fulfill the Act’s universal service objectives for advanced services, since all of their resources are used to support critical facilities and personnel needs. In view of the resource discrepancies among schools and their communities, the Commission should be sensitive to the need for certain schools and libraries to draw either on federal resources or on the additional resources of telecommunications service providers which have been pooled in the universal service fund.

While USDLA believes that a no-cost discount model would represent an extremely effective universal service approach for disadvantaged schools and communities, USDLA further recognizes that it would also be notably burdensome for private industry, particularly telecommunications service providers. USDLA also believes that the educational

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<sup>26</sup> Section 254(b)(1) states that “Quality services should be available at just, reasonable and affordable rates.”

community should expect to work with the telecommunications industry on a partnership basis. Therefore, USDLA recommends that relief for disadvantaged schools and communities for services beyond a minimum one voice-grade line rely primarily on the availability of subsidies from the universal service program under the Act.<sup>27</sup> It is understood from the Act that Congress intended for this subsidy program to be explicit.<sup>28</sup>

It is USDLA's view that subsidy and support programs should be developed particularly for disadvantaged schools and communities which emulate programs like the Lifeline Assistance Plan and Link Up America which currently subsidize telecommunications services and facilities, respectively, for needy residential customers.<sup>29</sup> By recognizing and providing for the special needs of poor schools and poor communities, the Commission will better ensure realization of the Act's universal service principles.

Finally, USDLA believes that corporate partnerships with schools and libraries systems should be encouraged to fund the acquisition of hardware needed to convert the foregoing basic services into useable form.

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<sup>27</sup> Sections 254(b)(4), 254 (d) and 254(e).

<sup>28</sup> Section 254(e), states that: "Any support should be explicit and sufficient to achieve the purposes of this section."

<sup>29</sup> NPRM at para. 61.

### III. ELIGIBILITY OF RECIPIENT ORGANIZATIONS

The Act establishes standards for eligible primary and secondary schools and for libraries.<sup>30</sup> In applying these statutory standards, it is submitted that the Commission also treat vocational technical training participants as “public institutional telecommunications users,” as that term is defined in the Act.<sup>31</sup> At the secondary school level, vocational-technical training in rural areas frequently occurs in concert with community colleges located in the same region as the public secondary school. These programs typically have a faculty sharing arrangement with the school district that is sponsoring the vocational training. Consequently, USDLA asks the Commission to view vocational technical training as an extension of an eligible public school for purposes of universal service eligibility, and not to create artificial regulatory constraints which will do harm to established vocational programs.

USDLA also supports the Commission’s recognition of distance learning consortia<sup>32</sup> as organizationa which are eligible for the same universal service treatment as schools and libraries. This view is consistent with that of Congress, as reflected in the legislative history of the Act.<sup>33</sup> In its work with school districts and organizations which deliver distance learning programs to schools, USDLA is aware that, to meet certain educational goals, schools enter into

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<sup>30</sup> Sections 254(h)(4) and 254(h)(5)(A), (C).

<sup>31</sup> Section 254(h)(5)(C).

<sup>32</sup> NPRM at para. 87.

<sup>33</sup> Reference to Congress’ intention to include distance learning consortia within the definition of eligibility as that term relates to schools and libraries is found in S. Conf. Rep. No. 104-230, 104th Cong., 2d Sess. 134 (1996).

resource sharing arrangements with other schools and with outside entities, including community colleges, which may, on their face, be considered ineligible for universal service support under the Act. USDLA requests that, to the extent these sharing arrangements, or “consortia,” advance educational purposes for students who attend eligible schools, the Commission specifically recognize these consortia in its final regulations as eligible for universal service support under the Act. As a safeguard against abuses, USDLA recommends that certification be given at the superintendent of schools level that the proposed universal service application meets the educational objectives of the Act.

#### IV. RELATED ISSUES

##### A. Bona Fide Requests

For eligible schools, USDLA believes that “bona fide requests” for access to advanced telecommunications services<sup>34</sup> should require written request by the superintendent of the school district. Individual teachers should not be eligible to request service, as there would be insufficient control and accountability at that level. USDLA submits that the district superintendent level is the lowest level at which both accountability of administration and direct supervision of services can be maintained for the most effective and specific requests for service.

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<sup>34</sup> NPRM at para. 85.

B. Protection Against Resale

In support of the prohibition against the resale of subsidized services by schools and libraries,<sup>35</sup> USDLA recommends that realistic and enforceable steps be taken to ensure that the requirement for discounts are met, are not resold or transferred by the user, and are fully utilized for educational purposes.<sup>36</sup> Against this background, however, USDLA is sensitive to the role played by concerned private sector partnerships in support of public schools and libraries, and recommends that the Commission, in trying to direct benefits away from "parties who are not eligible," not unduly discourage "partnerships between schools, libraries and their communities."<sup>37</sup> As noted above, particularly in rural areas, secondary schools and community colleges frequently share faculty and facilities as cost-saving measures. These tailored arrangements should not be discouraged, as they serve a specific market and public service objective.

With regard to written certification that requested services will be used only for educational purposes,<sup>38</sup> USDLA recommends that, in the case of schools, all certifications be made by the respective superintendent of the school district, who is also the "bona fide" requesting authority.

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<sup>35</sup> Section 254(h)(3).

<sup>36</sup> NPRM at 84.

<sup>37</sup> Id.

<sup>38</sup> Id.



### C. Advisory Board

The NPRM asks for comment as to the administration, including collection and distribution, of a universal service fund to facilitate execution of the universal service principles under the Act.<sup>39</sup> USDLA supports administration of the fund by a non-governmental body<sup>40</sup> as the most neutral approach. In addition, USDLA recommends that an educational advisory board to the administrator be established to assist in the oversight functions of collection and distribution of the fund. In support of this recommendation, USDLA references the example of the specialized advisory board drawn from the hearing and speech impaired community which was established to advise NECA in its administration of the Telecommunication Relay Services interstate cost recovery fund.<sup>41</sup> USDLA recommends that a similar advisory committee be

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<sup>39</sup> NPRM at paras. 128-130.

<sup>40</sup> NPRM at para. 128.

<sup>41</sup> See, Telecommunications Relay Services and the Americans with Disabilities Act of 1990, Third Report and Order, 8 FCC Rcd 5300 (1993).